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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,591	01/12/2004	Itzhak Hadar	27226	8026

7590 10/26/2005

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EXAMINER

REHM, ADAM C

ART UNIT PAPER NUMBER

2875

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/754,591

Applicant(s)

HADAR, ITZHAK

Examiner

Adam C. Rehm

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AM

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Attorney Excluded***

1. The present application was filed containing a power of attorney to Mr. Sol SHEINBEIN and Mr. Benjamin BARISH. A correspondence address was supplied for Mr. SHEINBEIN. No address was supplied for Mr. BARISH.

Mr. SHEINBEIN was excluded from practice before the Patent and Trademark Office (Office). The Office does not communicate with attorneys/agents who have been excluded from practice.

Because a correspondence address, other than to Mr. SHEINBEIN, is not of record, this Office action is being mailed to Mr. BARISH at his last known address as listed on the register of patent attorneys and agents. To ensure that a copy of this Office action is received in a timely manner to allow for a timely reply, a copy of the Office action is being mailed directly to the address of the inventor first named in the declaration or oath. Any reply by applicant(s) should be by way of the remaining practitioner(s) of record and should include a new correspondence address.

***Claim Rejections - 35 USC § 102***

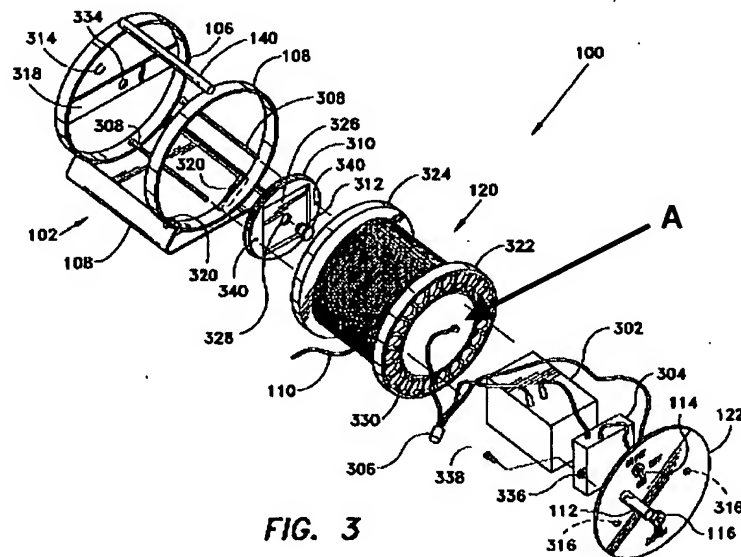
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 13, 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by WOODRUFF (US 6,758,314), which provides:

- A reel/drum constructed for winding a visible-light emitting electroluminescent cable on an outer surface (120);
- An electroluminescent cable wound on said reel (110);
- A support member rotatably supporting said reel such as to permit said electroluminescent cable to be deployed therefrom (102);
- A self-contained power supply/rechargeable battery providing DC voltage carried with said reel/drum, located on one side of said drum and rotated therewith (302, Column 3, Lines 61-62, Fig. 3);
- A DC to AC power inverter mounted inside drum opposite battery (304, Column 3, Lines 62-63, Fig. 3);
- A lead-through opening formed in the drum outer surface for electric connection (Ref. A; Fig. 3 below)



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- A drum cover (310) having a central shaft for rotatably mounting said drum (312) and an opposite, battery-access, removeably attached cover (122) having a manual-electrical switch (114), an electric plug for recharging battery (116) and a handle mounted on its outer periphery for rotating said drum (112);
- A pair of legs for resting the reel on a flat surface (either side of 108); and
- A mounting plate having attaching elements engageable with said legs for attaching/detaching said reel with respect to said mounting plate (104/106).

3. Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipated by MAGDALENO ET AL. (US 5,986,581), which provides:

- An electroluminescent wire element emitting visible light (Column 1, Lines 24-33) and infrared non-visible light wire elements having an LED strip of infrared lights (104, Column 1, Lines 46-48) being selectively energizeable (Column 1, Lines 54-56).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over WOODRUFF (US 6,758,314) as applied to claims 1, 8 and 13 above, and further in view of REICH ET AL. (US 3,722,823).

WOODRUFF discloses the claimed invention, but does not disclose a reel having mounting plate having attaching elements and a body harness. However, REICH teaches a reel (7/8) having mounting plate (1, Fig. 6), attaching elements (23,24) engaged with a pair of legs (3,3') and a body harness (5) for the purpose of allowing a single user to carry the reel to a place of use, unwind and lay out the reel contents without help (Column 1, Lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of invention to modify WOODRUFF and use the portable reel with body harness et al. as taught by REICH in order to provide an easily transportable and deployable unit.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over WOODRUFF (US 6,758,314) as applied to claim 1 above, and further in view of HAINES (US 6,612,516). WOODRUFF discloses the claimed invention, but does not disclose a reel having mounting plate having an upper and lower u-shaped members to receive legs of the stand. However, HAINES teaches a reel (Fig. 19, generally) having mounting plate (1916), attaching/u-shaped elements (1918) engaged with a pair of legs (1914) for the purpose of quickly coupling the reel to a mount (Column 7, Lines 52-53). It would have been obvious to one of ordinary skill in the art at the time of invention to modify WOODRUFF and use the u-shaped attaching members for quick attachment.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over WOODRUFF (US 6,758,314) as applied to claims 1, 8 and 9 and HAINES (US 6,612,516) as applied to claim 11 above, and further in view of KACZMARCZYK ET AL. (US 4,986,722).

WOODRUFF and HAINES disclose the claimed invention as cited above, but do not disclose u-shaped member having a pin pivotally mounted at one end of the u-shaped member. However, HAINES teaches a reel (Fig. 19, generally) having mounting plate (1916), attaching/u-shaped elements (1918) engaged with a pair of legs (1914) for the purpose of quickly coupling the reel to a mount (Column 7, Lines 52-53) and KACZMARCZYK teaches a pivotally mounted pin (106) for the purpose of locking and retaining the coupling device (Column 4, Lines 51-68). It would have been obvious to one of ordinary skill in the art at the time of invention to modify WOODRUFF and use the u-shaped attaching members for quick attachment as taught by HAINES and the locking pin in order to lock the device in a coupled configuration as taught by KACZMARCZYK.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WOODRUFF (US 6,758,314) as applied to claim 13 and further in view of HAINES (US 6,612,516) and KACZMARCZYK ET AL. (US 4,986,722).

WOODRUFF discloses the claimed invention as cited above, but do not disclose upper and lower u-shaped members with the lower member having a pin pivotally

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mounted at one end of the u-shaped member. However, KACZMARCZYK teaches a pivotally mounted pin (106) for the purpose of locking and retaining the coupling device (Column 4, Lines 51-68). It would have been obvious to one of ordinary skill in the art at the time of invention to modify WOODRUFF and HAINES and use the locking pin as taught by KACZMARCZYK in order to lock the device in a coupled configuration.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over WOODRUFF (US 6,758,314) as applied to claim 1 above, and further in view of MAGDALENO ET AL. (US 5,986,581).

WOODRUFF discloses the claimed invention including an electroluminescent wire for emitting visible light with corresponding wire elements (110, Column 2, Lines 47-51), but does not disclose an electroluminescent wire for emitting infrared, non-visible light with corresponding wire elements. However, MAGDALENO teaches a reel (101) having an LED strip of infrared lights (104) for the purpose of providing an improved aircraft landing zone marker that is not impaired by fog or clouds (Column 1, Lines 46-48).

9. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over WOODRUFF (US 6,758,314) and MAGDALENO ET AL. (US 5,986,581) as applied to Claims 1 and 21 above and further in view of CHEN (US 4,812,956).

WOODRUFF and MAGDALENO disclose the claimed invention including an electroluminescent wire for emitting visible light (WOODRUFF 110, Column 2, Lines



47-51) and infrared, non-visible light (MAGDALENO 104), but do not specifically disclose an electroluminescent wire having an outer, transparent jacket/material. However, while LED and other bulb coverings are notoriously well known in the art, CHEN teaches an electroluminescent light (Fig. 1 generally) having a transparent outer jacket (4) for the purpose of preventing the bulbs from breaking and for waterproofing (Column 2, Lines 39-41). It would have been obvious to one of ordinary skill in the art at the time of invention to modify WOODRUFF and MAGDALENO and use the transparent outer jacket as taught by CHEN in order to prevent damage to the LEDs.

10. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAGDALENO ET AL. (US 5,986,581) as applied to Claim 24 above and further in view of CHEN (US 4,812,956).

MAGDALENO discloses the claimed invention including, but does not specifically disclose an electroluminescent wire having an outer, transparent jacket/material. However, while LED and other bulb coverings are notoriously well known in the art, CHEN teaches an electroluminescent light (Fig. 1 generally) having a transparent outer jacket (4) for the purpose of preventing the bulbs from breaking and for waterproofing (Column 2, Lines 39-41). It would have been obvious to one of ordinary skill in the art at the time of invention to modify MAGDALENO and use the transparent outer jacket as taught by CHEN in order to prevent damage to the LEDs.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. CURRIE ET AL. (US 2004/0105278) discloses an illuminated, battery-powered rope light.
12. PRIDDY ET AL. (US 6,505,956) discloses a reeled LED light system.
13. BRUCE ET AL. (US 5,957,564) discloses electroluminescent lamps mounted inside clear plastic tubing.
14. RIDGEWAY (US D345,430) discloses battery-powered Christmas lights.

### ***Correspondence***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR  
10/12/2005



ALAN CARIASO  
PRIMARY EXAMINER